

NAME OF COMMITTEE	Standards Committee
DATE	24 January 2012
REPORT TITLE	Application for Dispensations from Gulworthy Parish Council
REPORT OF	Deputy Monitoring Officer
WARDS AFFECTED	Gulworthy

Summary of report:

To consider the 5 applications from Gulworthy Parish Councillors for a dispensation from the Standards Committee in order that they can participate in matters relating to Gulworthy Parish Hall.

Financial implications:

There are none

RECOMMENDATIONS:

That the Standards Committee considers the applications attached in Appendix A and decides whether to grant the dispensations to the members of Gulworthy Parish Councillors, and on what terms and for what period.

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1. BACKGROUND

- 1.1 Under the Standards Committee (Further Provisions) (England) Regulations 2009, the Standards Committee has power to grant dispensations to borough and parish councillors allowing them to speak and vote at a meeting when they have a prejudicial interest.
- 1.2 A dispensation may be granted for speaking only or for speaking and voting.
- 1.3 The regulations allow for only two situations where the Standards Committee grant dispensations:
 - Where more than 50% of the members who would be entitled to vote a meeting are prohibited from taking part in the meeting because of a prejudicial interest, or

- The number of members who cannot take part in the meeting would upset the political balance rules to the extent that the outcome of the voting would be prejudiced.

1.4 Applications may be granted in respect of one meeting or it may be applicable on an ongoing basis up to maximum of four years.

1.5 Regard should be had to the guidance given in the Standards Board's Guidance on Dispensations issued June 2009 which can be found at:

http://www.standardsforengland.gov.uk/Guidance/TheLocalStandardsFramework/StandardsCommittees/Dispensations%20FINAL_for%20web1.pdf

2. APPLICATION BY GULWORTHY PARISH COUNCILLORS

2.1 Applications for dispensations have been received from five Gulworthy Parish Councillors, and these are attached at Appendix A (together with a covering letter from the Parish Clerk).

2.2 Gulworthy Parish Council has a total of seven councillors. Only two of the members are not on the Parish Hall Committee. Two of the five members who are on the Parish Hall Committee, are also trustees of the Parish Hall Committee.

2.3 A prejudicial interest affecting five councillors would affect more than 50% of the Parish Council, and therefore satisfy the criteria in paragraph 1.3 above.

2.4 The applications relate to Parish Hall Committee issues and the dispensations are requested in order to deal with grants and planning applications in respect of the Parish Hall.

2.5 The requests are for dispensations for 4 years.

3. LEGAL IMPLICATIONS

3.1 The power for Standards Committees to grant Dispensations is set out in the Standards Committee (Further Provisions) (England) Regulations 2009.

3.2 The decision whether or not to grant a dispensation is entirely a matter for the Standards Committee depending on whether members think it "appropriate" having regard to the particular circumstances of each case.

3.3 A dispensation allows a councillor to participate in a meeting without being in breach of the Members' Code of Conduct.

3.4 If a councillor does not have a dispensation from the Standards Committee, then the rules on prejudicial interests contained in the Code of Conduct mean that the councillor concerned must withdraw from the meeting. This would leave the Parish Council inquorate and unable to determine such matters.

4. FINANCIAL IMPLICATIONS

4.1 There are no financial implications to this report, as the applications were received in time for a scheduled Standards Committee meeting.

5. RISK MANAGEMENT

5.1 The risk management implications are:

Opportunities	Benefits
To grant a dispensation to allow members to participate in a meeting when otherwise they would be in breach of the Code	Complying with the Regulations and enabling, where appropriate, members to legally take part in meetings where they would otherwise have a prejudicial interest.
Issues/Obstacles/Threats	Control measures/mitigation
Failure to apply for a dispensation (or the Standards Committee exercises its discretion not to grant a dispensation) will mean that the member cannot participate in the meeting on the item in which s/he has a prejudicial interest	Apply for dispensation in a timely manner

6. OTHER CONSIDERATIONS

Corporate priorities engaged:	Community Life
Statutory powers:	3.1 Standards Committee (Further Provisions) (England) Regulations 2009.
Considerations of equality and human rights:	N/a
Biodiversity considerations:	N/a
Sustainability considerations:	N/a
Crime and disorder implications:	N/a
Background papers:	
Appendices attached:	Appendix a: applications for dispensation from 5 Gulworthy Parish Councillors